

# Exhibit A

**Chida, Zohaib**

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**From:** Moskowitz, Elliot  
**Sent:** Tuesday, December 20, 2022 4:05 PM  
**To:** Haverstick, Rebecca W.; Owen, Brent R.; Kinel, Norman N.  
**Cc:** Resnick, Brian M.; McRoberts, Travis; Chida, Zohaib; Saney, Michelle N.  
**Subject:** RE: In re: Phoenix Services Topco, LLC, Case No. 22-10906

Thanks for reaching out.

Yes, we plan on making our first production this week (consisting of the documents we discussed in court and on our call).

Regarding the proposal, we have spent time discussing with Barclays and offer the following:

Custodians for the historical period: Jarek Berndt (Lev Fin) was the lead on negotiating the original credit agreement; Michael Gingue was the lead on discussions with Apollo.

Dates for historical period: The Credit Agreement was effective as of March 1, 2018 but discussions about it began well before. Therefore, we are offering July 1, 2017 as a start date, which is when those discussions began, and for the end date, we propose March 15, 2018 (i.e., 2 weeks after the agreement became effective).

Custodian for the recent period: Adeel Khalid of the special situations desk.

Dates for the recent period: Adeel reports that this matter first came to his desk only a short time before the bankruptcy filing, which is not surprising given that this was a free-fall bankruptcy. He says it first came to his desk on September 17, 2022, and the bankruptcy filing was September 27, 2022. We propose September 17, 2022 – September 27, 2022 as the dates for the recent period.

You asked if anything other than company material was posted to the lenders via Syndtrak prior the company filing for bankruptcy. I am told that this was not the case, and it was only company material that was posted, and we are producing that material in our production this week.

You asked if Davis Polk had any negotiations with Apollo's counsel in the historical period. The answer is that we did have such negotiations on behalf of Barclays. Please let us know if you are seeking a Davis Polk production or if you will be satisfied with a Barclays production for now. In any case, we can meet and confer.

Even if we reach agreement on the above, I understand that this is without prejudice to the UCC's right to seek more, and our right to resist anything further. But we have done our best to be responsive to your ESI requests and hope you can appreciate we are aiming to work in good faith.

I think the covers all the open issues but please let me know if I missed anything.

Thanks,  
Elliot

**Elliot Moskowitz**

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**Davis Polk & Wardwell LLP**

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**From:** Haverstick, Rebecca W. <[rebecca.haverstick@squirepb.com](mailto:rebecca.haverstick@squirepb.com)>

**Sent:** Tuesday, December 20, 2022 2:43 PM

**To:** Moskowitz, Elliot <[elliott.moskowitz@davispolk.com](mailto:elliott.moskowitz@davispolk.com)>; Owen, Brent R. <[brent.owen@squirepb.com](mailto:brent.owen@squirepb.com)>; Kinel, Norman N. <[norman.kinel@squirepb.com](mailto:norman.kinel@squirepb.com)>

**Cc:** Resnick, Brian M. <[brian.resnick@davispolk.com](mailto:brian.resnick@davispolk.com)>; McRoberts, Travis <[travis.mcroberts@squirepb.com](mailto:travis.mcroberts@squirepb.com)>; Chida, Zohaib <[zohaib.chida@davispolk.com](mailto:zohaib.chida@davispolk.com)>; Saney, Michelle N. <[michelle.saney@squirepb.com](mailto:michelle.saney@squirepb.com)>

**Subject:** RE: In re: Phoenix Services Topco, LLC, Case No. 22-10906

Elliot and Team:

We write to follow up on the parties' call from Friday, December 16. You indicated that we would be receiving an email by Monday, December 19, with your proposals for the First Lien Agent's ESI collection and custodian/date search parameters. We have not received that. Please advise.

In addition, is the First Lien Agent still expecting to produce some documents this week?

Regards,



**Rebecca W. Haverstick**

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**From:** Moskowitz, Elliot <[elliott.moskowitz@davispolk.com](mailto:elliott.moskowitz@davispolk.com)>

**Sent:** Thursday, December 15, 2022 9:56 PM

**To:** Owen, Brent R. <[brent.owen@squirepb.com](mailto:brent.owen@squirepb.com)>; Haverstick, Rebecca W. <[rebecca.haverstick@squirepb.com](mailto:rebecca.haverstick@squirepb.com)>; Kinel, Norman N. <[norman.kinel@squirepb.com](mailto:norman.kinel@squirepb.com)>

**Cc:** Resnick, Brian M. <[brian.resnick@davispolk.com](mailto:brian.resnick@davispolk.com)>; McRoberts, Travis <[travis.mcroberts@squirepb.com](mailto:travis.mcroberts@squirepb.com)>; Chida, Zohaib <[zohaib.chida@davispolk.com](mailto:zohaib.chida@davispolk.com)>

**Subject:** [EXT] RE: In re: Phoenix Services Topco, LLC, Case No. 22-10906

Thanks Brent, let's speak at noon tomorrow. We plan to produce the four categories of documents next week. As for ESI, we are interested to know if there are any limitations in your requests or are you seeking basically everything in Barclays' possession regarding this company? Any limitations, such as around time frames of interest, would be appreciated. In addition, if you could share the search terms you have negotiated with the Debtors, we can use those as a starting point.

Best,  
Elliot

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**From:** Owen, Brent R. <[brent.owen@squirepb.com](mailto:brent.owen@squirepb.com)>  
**Sent:** Thursday, December 15, 2022 8:15 PM  
**To:** Moskowitz, Elliot <[elliott.moskowitz@davispolk.com](mailto:elliott.moskowitz@davispolk.com)>; Haverstick, Rebecca W. <[rebecca.haverstick@squirepb.com](mailto:rebecca.haverstick@squirepb.com)>; Kinel, Norman N. <[norman.kinel@squirepb.com](mailto:norman.kinel@squirepb.com)>  
**Cc:** Resnick, Brian M. <[brian.resnick@davispolk.com](mailto:brian.resnick@davispolk.com)>; McRoberts, Travis <[travis.mcroberts@squirepb.com](mailto:travis.mcroberts@squirepb.com)>; Chida, Zohaib <[zohaib.chida@davispolk.com](mailto:zohaib.chida@davispolk.com)>  
**Subject:** RE: In re: Phoenix Services Topco, LLC, Case No. 22-10906

Elliot,

We are available for a call tomorrow (Friday) at 12 noon or 3:30 pm ET. Consistent with the Court's directives at the hearing today, please advise us beforehand if possible the First Lien Agent's plan for collecting and producing documents and ESI responsive to the Committee's Requests, including (1) production of the four categories of documents you stated at the hearing you have already identified for production; (2) for the First Lien Agent's ESI, proposed custodians and search terms/parameters; and (3) the expected time frame for a rolling production of documents and ESI.

Regards,

Brent



**Brent R. Owen**

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**From:** Moskowitz, Elliot <[elliott.moskowitz@davispolk.com](mailto:elliott.moskowitz@davispolk.com)>  
**Sent:** Thursday, December 15, 2022 2:21 PM  
**To:** Haverstick, Rebecca W. <[rebecca.haverstick@squirepb.com](mailto:rebecca.haverstick@squirepb.com)>; Kinel, Norman N. <[norman.kinel@squirepb.com](mailto:norman.kinel@squirepb.com)>  
**Cc:** Resnick, Brian M. <[brian.resnick@davispolk.com](mailto:brian.resnick@davispolk.com)>; McRoberts, Travis <[travis.mcroberts@squirepb.com](mailto:travis.mcroberts@squirepb.com)>; Owen,

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**Subject:** [EXT] RE: In re: Phoenix Services Topco, LLC, Case No. 22-10906

Norm, Rebecca – congratulations on a successful hearing. Further to the judge's guidance, can we schedule a time to meet and confer further?

Thanks,  
Elliot

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